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Approved Code No. 31—Amendment No. 1 Registry No. 1026—01

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LIME INDUSTRY

AS APPROVED ON FEBRUARY 10, 1934

DOCUMENTS

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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LIME INDUSTRY

As Approved on February 10, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE LIME INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Lime Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543–A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended; provided, however, that the provisions of Article III, Section 3, subdivision C, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale, be and they are hereby stayed in their application to the Dolomite Division as created by this amendment pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended.
W. A. HARRIMAN,
Division Administrator.

WASHINGTON, D.C.,
February 10, 1934.

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REPORT TO THE PRESIDENT

THE PRESIDENT,
The White House.

SIR: This is a report on the Amendment to the Code of Fair Competition for the Lime Industry creating a Dolomite Division of that Industry and including an additional group of manufacturers of Dolomitic Refractories under the Lime Code. A hearing on this Amendment was conducted in Washington on the twenty-third of November 1933, in accordance with the provisions of the National Industrial Recovery Act.

Except as otherwise specifically provided in the Amendment, described as Schedule B, all provisions of the Lime Code will apply within the Dolomite Division, including the mandatory provisions of the Act. No change is made in the Schedule to the wage and hour provisions of the Code as originally approved, so that those provisions remained the same under the Code, as amended.

ECONOMIC EFFECTS OF THE CODE

The Dolomite Industry employs at present only about 490 persons. Six of the eight plants in the Industry produce lime as their principal product, using in some cases the same men and machinery. Since these plants are already under the Lime Code there will be little effect on hours and wages. The Amendment will, however, avoid possibilities of confusion in these six plants and of unfair competition based on wages by the other plants not under the Lime Code.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Amendment having found as herein set forth and on the basis of all the proceedings in this matter;

I find that—

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products

through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Dolomitic Refractories Institute is an industrial association truly representative of that portion of the aforesaid Industry affected by the said Amendment, and that said association imposes no inequitable restrictions on admission to membership therein and has applied for or consents to this Amendment.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

(g) The Lime Industry, through its Code Authority, has approved of and consented to the said Amendment.

For these reasons, therefore, I have approved this Amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

FEBRUARY 10, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LIME INDUSTRY

Schedule B—Dolomite Division

Section 1. Within the meaning of this Code, as amended by the addition of this Schedule B the term "Lime Industry" not only has the meaning stated in Article I, Section 1, but also includes the manufacture of dolomitic lime for sale as a refractory, irrespective of the extent of burning or of other refinements.

The maunfacture of dolomitic lime (referred to herein as "dolomite") for sale as a refractory is hereinafter referred to as the dolomite division of the Lime Industry, which division shall constitute a self-governing branch of the Lime Industry.

The provisions of this Code required by Sections 7 (a) and 10 (b) of the Act, and all other provisions of this Code not otherwise specifically referred to and provided for in this Schedule, shall apply with equal force within the dolomite division.

Sec. 2. The members of the dolomite division shall select a "Dolomite Code Authority" for the entire United States, consisting of one representative of each such manufacturer to administer the Code, as amended by the addition of this Schedule B, within the dolomite division. Except as otherwise herein provided, the Code Authority shall exercise and perform the duties and powers in respect to the dolomite division which the District Control Committee have under the Code in respect to their respective districts, and shall be subject to the same restrictions, limitations, and requirements. References in this Code to the respective Lime Industry Districts or District Control Committees shall be construed as also referring to the dolomite division or to the Dolomite Code Authority, as the case may be, unless the context requires a different construction, except that the term "District", when applied to the dolomite division shall refer to the entire territory subject to this Code.

The Dolomite Code Authority shall also exercise and perform in respect to the dolomite division the powers and duties which the Trade Relations Committee has in respect to the remainder of the Lime Industry under Article III, Section 1; Article III, Section 3, subdivisions (c) and (d); Article IV, Section 2; and Article V, Sections 1 and 2 including the provisions contained in subdivision (b) of Section 2 of Article V as to collecting reports and furnishing them to the Administrator.

The provisions of Article III, Section 3, subdivision (b), as to weighted average costs, shall not apply to the dolomite division; nor shall the last sentence in subdivision (a) of Section 5 of Article V, provided that appeal may be taken to the Administrator from the Dolomite Code Authority in the manner and in the respects specified in subdivision (c) of Section 5 of Article V.

The representatives appointed by the Administrator to the Trade Relations Committee pursuant to Section 1 of Article V shall *ipso facto* be appointed to the Dolomite Code Authority and, as representatives on the Dolomite Code Authority, shall have the same powers and duties in respect of the dolomite division as they have as representatives on the Trade Relations Committee in respect to the remainder of the Lime Industry.

For the purpose of facilitating the administration of this Code within the dolomite division in cooperation with the Administrator any member or representative of the Trade Relations Committee designated by it shall be a nonvoting member of the Dolomite Code Authority. The Trade Relations Committee and the Dolomite Code Authority shall from time to time determine and agree upon the portion of the cost of the administration of this Code to be borne by the dolomite division, which portion shall be apportioned among the manufacturers of dolomite as they may themselves agree.

SEC. 3. The Dolomite Code Authority may submit such recommendations as it deems desirable in regard to the control of destructive price competition in the dolomite division, and/or a proposed formula for determining a minimum cost below which no member shall be allowed to sell the products of such division. Upon approval of such recommendations or formula by the Administrator, after notice and hearing, such recommendations or formula shall become effective as part of this Schedule and of this Code.[1]

SEC. 4. The Dolomite Code Authority shall require all the present producers of dolomite within the continental United States to register with it their respective producing capacities of dolomite. The intention of persons engaged or engaging in the producing of dolomite to install additional producing capacity, shall be reported to the Dolomite Code Authority, and upon receiving such notice, the Dolomite Code Authority may make to the Administrator such recommendations in respect thereto as it may deem desirable to effectuate the purposes of the Act.

SEC. 5. The provisions of this Code, as amended by the addition of this Schedule B shall become effective within the dolomite division on the tenth day after the approval of this amendment pursuant to the Act.

Approved Code No. 31—Amendment No. 1.
Registry No. 1026–01.

[1] See paragraph of order approving this Code.